The general rule has been subjected to much adverse criticism. 4 WIGMORE EV. 3037 *et seq.* The motive actuating the courts in making such liberal constructions of these statutes has been the amelioration of this general rule. But it is suggested that this is a matter for legislative remedy, not of judicial intermeddling involving violations of accepted legal principles of statutory construction.

WITNESSES — EFFECT OF FALSE TESTIMONY — PRESUMPTIONS. — Defendant had dynamite caps in his possession upon his farm. He sold farm to plaintiff. Later plaintiff's minor son was injured by the explosion of a dynamite cap, which, it is claimed, was picked up by a child in the barnyard. While defendant testified that he had disposed of the caps before the occurrence of the injury, witnesses testified that he had previously denied ever having had any caps on the premises. *Held,* it is a question for the jury, and if they believe the defendant gave a false account of the disposition of the caps, they are at liberty to infer that the truth would be unfavorable to him. *Eckart* v. *Kiel* (Minn.), 143 N. W. 122.

Statutes allowing parties to a civil suit to testify place such persons on the same ground as to competency as other witnesses, their interest affecting their credibility only. *Cowles* v. *Bacon,* 21 Conn. 451, 56 Am. Dec. 371; *Cutler* v. *Succession of Collins,* 37 La. Ann. 95.

The mere fact that a party to a suit does not offer himself as a witness is not ground for an inference that his testimony would be unfavorable to his side of the controversy. *City of New Orleans* v. *Gaunthreaux* 32 La. Ann. 1126. But the non-appearance of a party litigant, or his failure to testify as to facts material to his case and peculiarly within his own knowledge, or his refusal to produce evidence in his possession, creates a presumption that the truth if made to appear would be unfavorable to his contention. *Cole* v. *Lake Shore, etc., R. Co.,* 95 Mich. 77, 54 N. W. 638; *Central Stock, etc., Exch.* v. *Chicago Bd. of Trade,* 196 Ill 396, 63 N. E. 740; *Bastrop State Bank* v. *Levy,* 106 La. 586, 31 So. 740; *Heath* v. *Waters,* 40 Mich. 457; *Kirby* v. *Tallmadge,* 160 U. S. 379. Under the doctrine, *falsus in uno falsus in omnibus,* the jury may reject the entire testimony of a witness when he willfully testifies falsely to a material fact, though it is not obliged to do so. *Mann* v. *Arkansas, etc., Co,* 24 Fed. 261; *Rider* v. *People,* 110 Ill. 11; *Reynolds* v. *Greenbaum,* 80 Ill. 416. And attempts to bribe or intimidate a witness, or to conceal evidence, or intentional failure to produce the witness who was in the best position to relate the true circumstances of the case, or intentional falsehoods as to a material fact by the defendant, are facts from which the jury are at liberty to presume that the truth, if revealed, would be unfavorable to the cause of the defendant. *Chicago City R. Co.* v. *McMahon,* 103 Ill. 485; *Keeiser* v. *State,* 154 Ind. 242, 56 N. E. 232; *Commonwealth* v. *Wallace,* 203 Ill. 306, 67 N. E. 799; *State* v. *Hogan,* 67 Conn. 581, 35 Atl. 508; *Commonwealth* v. *Devancy,* 182 Mass. 33, 64 N. E. 402; *State* v. *Benner,* 16 Me. 267.